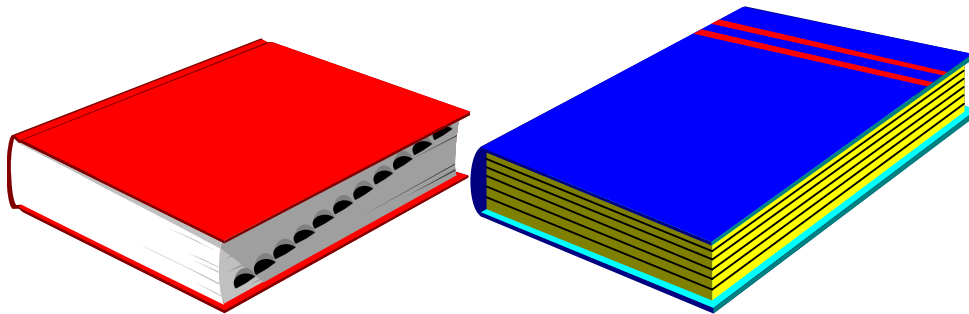


THE NEW JERSEY NONPUBLIC SCHOOL TEXTBOOK LAW



New Jersey Department of Education

GUIDELINES FOR ADMINISTERING THE NEW JERSEY NONPUBLIC SCHOOL TEXTBOOK LAW

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1. THE NEW JERSEY NONPUBLIC SCHOOL TEXTBOOK LAW

N.J.S.A. 18A: 58-37.1 et seq.

The New Jersey Nonpublic School Textbook Law requires the board of education in each public school district in New Jersey with state funds to purchase and loan textbooks, “upon individual request” to all students attending a nonpublic school located in the public school district. The students are enrolled full-time in grades kindergarten through twelve in a nonpublic school in New Jersey which complies with compulsory school attendance requirements and with the requirements of Title VI of the Civil Rights Act of 1964.

a. DEFINITIONS

N.J.S.A. 18A: 58-37.2

“Nonpublic School” means an elementary or secondary school within the State other than a public school.

“Student” means any child who is a resident of the State and who is enrolled as a full-time pupil in a public or nonpublic school in grades kindergarten through twelve. A child who boards at a school but whose parents do not maintain a residence of the State shall not be deemed to be a resident of the State within the meaning of this Act.

“Textbook” means books, workbooks or manuals, whether bound or in loose-leaf form; or electronic textbooks including but not limited to: computer software, computer-assisted instruction, interactive videodisc and other computer courseware and magnetic media, intended as a principal source of study material for a given class or group of students, which is available for the individual use of each pupil in such class or group. Computer software must be prepared educational programs which are subject-oriented and for student instruction. Under textbooks, the following materials are excluded:

1. Reference materials - encyclopedias, almanacs, atlases and general special purpose dictionaries, of which the student does not have individual use.
2. Supplementary materials - supplementary books, magazines newspapers and audiovisual materials normally housed in the school library.
3. Other Materials - tests and testing materials, teachers' editions of textbooks and review books, computers (hardware), computer software materials such as blank disks or tapes or cassettes, computer chips, consoles (hardware), computer correction devices and cassette recorders.

2. STATE AID

N.J.S.A. 58-37.5 and 37.6

N.J.A.C. 6A:23-6.5

- a. The State aid will be an amount resulting from the State average budgeted textbook expense per public school student for the pre-budget year multiplied by the number of students enrolled in the nonpublic school located in the public school district and enrolled as of the last school day prior to October 16 of the previous school year as recorded on the Nonpublic School Enrollment Report.
- b. Actual expenditures may include only the billing by the vendors for the textbooks and freight or postage expenditures for transporting the textbook from the vendor to the public school district. Expenditures related to the distribution, storage, record-keeping, administration, etc., may not be included in the textbook expenditures for State aid purposes.
- c. State aid will be paid in full to school districts no later than July 31.

3. RESPONSIBILITY OF THE PUBLIC SCHOOL BOARD

N.J.S.A. 18A: 58-37.4

N.J.A.C. 6A:23-6.2 and 6.3

The board of education in each public school district in New Jersey is responsible for purchasing, receiving and loaning only textbooks which are used in any public elementary or secondary school in New Jersey or approved by any board of education in New Jersey. The board of education of a public school district shall purchase textbooks for the students in grade levels for which they have responsibility (i.e., K-12 districts, constituent of a regional K-6 only, regional 7-12, regional 9-12, etc). When a textbook is designated to be loaned to a nonpublic school student, it may not be superseded by any other textbook for five years, except upon authorization of the public school district.

4. INDIVIDUAL STUDENT REQUESTS

N.J.S.A. 18A: 58-37.3

N.J.A.C. 6A:23-6.2 and 6.3

All nonpublic school students will be required to submit individual written requests for the loan of textbooks to the district board of education in which the nonpublic school is located. Individual student request forms are available at the nonpublic school or at the board of education. The individual written request by each nonpublic school student must be addressed to the district board of education. The parent of a nonpublic school student may submit the individual written request

directly to the district board of education in which the nonpublic school is located or to the nonpublic school attended. The nonpublic school shall forward such requests collectively to the district board of education. In either case, the individual written requests shall be submitted in accordance with the district's policy and purchasing practice, no later than May 1, of the preceding school year. If a nonpublic school is submitting the request, it is recommended that the nonpublic school use a summary sheet for each vendor. The district board of education in which the nonpublic school is located should submit all purchase orders to the textbook publishers by June 30, of the prior school year; send a copy of the purchase order to the nonpublic school principal; and notify the nonpublic school about the purchase and delivery of textbooks by mid-August.

5. **PURCHASE OF TEXTBOOKS**

N.J.S.A. 18A: 58-37.3

N.J.A.C. 6A:23-6.2

- a. The district board of education in which the nonpublic school is located receives funds from the State based on the number of students enrolled in the nonpublic school as of the last school day prior to October 16, of the previous school year. The Nonpublic School Enrollment Report form determines the amount of State Aid that the district receives. Textbooks are loaned based on the individual student need and "upon individual request."
- b. Public school districts are not required to purchase textbooks at a total cost to the district in excess of the amounts provided by State Aid.
- c. Distribution of Textbooks to Pupils On An Equitable Basis

Textbooks must be distributed to nonpublic school students on an equitable basis--that is loaned on the basis of individual student need. For example, some students require textbooks totaling more than the per student amount, some students require textbooks equaling the per student amount and other students require textbooks that necessitate no new expenditures because the books are already in the district's inventory. Thus the district board of education in which the nonpublic school is located may purchase textbooks in excess of the individual per student amount for a segment of the population as long as "every student receives equitable benefit from the textbook loan program." The district's responsibility is to provide the textbook needed for each student's instructional program. A district board of education may not discriminate when distributing textbooks to nonpublic school students. Nonpublic school textbooks must be purchased, delivered and stamped: "Property of _____ (the district board of education)". Textbooks may be delivered directly to the nonpublic school if the nonpublic school administrator agrees. The nonpublic school administrator will check the invoice and forward it to the district board of education along with a statement attesting to the fact that all books have been

appropriately stamped with the district's ownership. After consultation with the nonpublic school administrator, the nonpublic school textbooks may also reach the students enrolled in the nonpublic school in one of the following ways:

1. The nonpublic school may arrange for pick up.
2. The local board of education may arrange for delivery.
3. The nonpublic student may arrange for pick up.

d. Determination Of The Number Of Textbooks To Be Purchased

A district board of education in which the nonpublic school is located is required to purchase textbooks based on the number of individual written requests by nonpublic school students. Since the nonpublic school has a graduating and an incoming class, it is unlikely that the number of individual student requests received by the district board of education will agree with the number of students enrolled in the nonpublic school as of the last school day prior to October 16, of the previous school year as recorded on the Nonpublic School Enrollment Report. The district board of education should work with its total Nonpublic School Textbook Aid to facilitate the individual requests of the students in each nonpublic school as a whole (based on the individual student needs), up to an amount not exceeding the maximum dollar entitlement per individual student request.

6. OWNERSHIP AND STORAGE OF TEXTBOOKS

N.J.S.A. 18A: 58-37.4

N.J.A.C. 6A:23-6.4

- a. All textbooks will remain the property of the district board of education in which the nonpublic school is located and such ownership should be indicated in or on each book by labels or other appropriate methods of identification.
- b. The board of education may require that textbooks be returned to the board of education at the end of the school year. In cases where textbooks are used for only one semester, the board may require that they be returned at the end of the semester.
- c. The board of education may, if it wishes, enter into an agreement with the nonpublic school to store books in such school. In such cases, the district may not pay storage charges of any kind to the nonpublic school.
- d. When textbooks loaned to a nonpublic school have been superseded by other textbooks, the local board of education policy of disposing of public school textbooks applies.

7. FEES AND CHARGES

N.J.S.A. 18A: 58-37.4

N.J.A.C. 6A:23-6.5

Since the law provides that textbooks be "loaned without charge" to students, no fees may be assessed in connection with this program. Expenditures for the purchase of textbooks may include the cost of freight for transporting the books from the vendor to the delivery site not to exceed the publisher's actual cost. Any excess funds from anticipated shipping cost must be applied to the purchase of textbooks pursuant to this act.

8. ACCOUNTING AT LOCAL LEVEL

N.J.S.A. 18A: 58-37.4, 37.5 and 37.6

N.J.A.C. 6A:23-6.5

The district board of education in which the nonpublic school is located shall maintain the nonpublic school textbook project accounting on an encumbrance basis. Separate general account control "Nonpublic School Textbook" shall be maintained on the nonpublic school textbook project activities. The coding of expenditures shall be under "Special Revenue Funds--State Projects" account #20-501-100-640. The exception is that the district board of education must maintain separate distribution costs on each nonpublic school textbook project activity. Expenditures for the purchase of textbooks may include the cost of freight or transporting such books from the vendor to the delivery site. Collections for charges due to loss, damage, or destruction of textbooks should be recorded as "Miscellaneous Revenue" and credited to the respective nonpublic school #20-501-100-640 account.

State aid received by the district board of education pursuant to the textbook law shall be recorded as "Special Revenue Funds-Revenue from State Sources; Restricted Entitlements."

9. PROJECT COMPLETION REPORT (NONPUBLIC)

N.J.S.A. 18A 58-37.7

N.J.A.C. 6A:23-6.5

Following the completion of fiscal operations, the district board of education in which the nonpublic school is located shall report to the State Department of Education the total cost of projects operated. A final fiscal report on each nonpublic school project activity must be filed. Such report will include the following items of financial operations:

1. The amounts approved for each nonpublic school.
2. The total State aid received for each nonpublic school project.

3. The total of all encumbrances incurred for each project.
4. Outstanding unliquidated encumbrances.
5. Nonpublic school "State Aid Textbook" funds on hand.

In the event that the district board of education has been paid funds in excess of the amount finally required for approved project costs, such excess funds shall be refunded at the end of the project period to the State Department of Education.

10. FISCAL AUDIT AND RETENTION OF RECORDS

N.J.S.A. 18A:37.5, 37.6 and 37.7

N.J.A.C. 6A:23-6.5

Textbook project expenditure records will be audited locally. Such audits will be done as a regular part of the district board of education's audit procedures prescribed by State Laws or State Board Regulations. The board of education audit report should include separate financial schedules or statements identifying receipts and expenditures applicable to each nonpublic school textbook activity.

APPENDICES

INDIVIDUAL STUDENT REQUEST FOR LOAN OF TEXTBOOKS

Date: _____

Public School District: _____

Address: _____

Nonpublic School: _____

Address: _____

Name of Student: _____

Grade: _____

Name of Parent: _____

Under the provisions of N.J.S.A. 18A: 58-37.1 et seq., I hereby request the _____ (Public School District) to loan textbooks to the _____ (Nonpublic School) in which my child is enrolled. I certify that my above named child and I are residents of the State of New Jersey. I understand that the board of education of the public school district in which the nonpublic school is located with state funding is responsible for providing the loan of textbooks to nonpublic school students pursuant to law and regulations.

Signature of Parent/Guardian: _____

Date: _____

SUMMARY OF NONPUBLIC SCHOOL TEXTBOOK REQUESTS

DATE: _____

TO: Name and Address of Public School District:

FROM: Name and Address of Nonpublic School:

Please order the following textbooks for the students enrolled in the above named nonpublic school:

COPIES	AUTHOR	TITLE	COPYRIGHT	EDITION
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

NAME OF PUBLISHER: _____

ADDRESS: _____

CONTACT PERSON: _____

TELEPHONE: _____